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(SPACE BELOW FOR FILING STAMP ONLY)
FILED

JUL 19 1999

5 CLERK, U.S. DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
7 BY _____

8 Attorney for Plaintiff, CONNECTICUT GENERAL LIFE INSURANCE COMPANY

9 **LODGED**

10 JUL 10 1999 IN THE UNITED STATES DISTRICT COURT

11 CLERK, U.S. DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 BY _____

14 DEPUTY CLERK *[Signature]*

15 CONNECTICUT GENERAL LIFE
16 INSURANCE COMPANY

17 NO. CIV S-99-0119 MLS GGH

18 Plaintiff,

19 VS. JUDGMENT OF DISMISSAL

20 LARRY EDWARDS, LUCIAN
21 MCKINNEY LILLIAN MAE
22 MCGEE, AND THE ESTATE OF
23 TOMMYE JOHNSON,

24 Defendants.
25 _____ /

26 Plaintiff Connecticut General Life Insurance Company (CGLIC) interpleaded
27 the life insurance benefits of Johnny Johnson in the amount of \$5,000 plus any interest
28 thereon as set forth in its complaint. The benefit is provided to him through his
employer's employee welfare benefit plan which is governed by the Employee
Retirement Income Security Act (ERISA), 29 U.S.C. Section 1001 et. seq. Defendant
Larry Edwards made a claim for these benefits on behalf of himself and the Estate of
Tommye Johnson, alleged to be the wife of Johnny Johnson. Defendant Lucian
McKinney also made claim to the proceeds as heir of Johnny Johnson. Gail Moore
appeared in the case to claim a lien on the proceeds. Defendant Lillie McGee also
made a claim for the same proceeds.

1 All Defendants were served with the complaint in interpleader and only Lucian
2 McKinney answered the complaint. Lillian McGee did not answer and has disclaimed
3 all right or interest in the insurance proceeds. Larry Edwards as executor of the estate
4 of Tommie Johnson for himself and any heirs, legatees, assigns, successors, or others
5 claiming any interest in the estate of Tommie Johnson did not answer the complaint
6 and has disclaimed all rights or interest in the insurance proceeds.

7 It was further claimed that Johnny Johnson had a daughter who left the family
8 in or around 1972 and has never been seen or heard from since. The parties hereto
9 have exercised due diligence in attempting to locate this daughter, but it is unknown
10 where she is or whether she is still alive. Therefore, the Court orders, adjudges, and
11 decrees as follows:

12 1. Plaintiff Connecticut General Life Insurance Company (CGLIC) is
13 discharged from any and all liability to all of the Defendants, to the lien claimant Gail
14 Moore, and to each of them, and to any unnamed and unknown claimants or heirs,
15 including the daughter of Johnny Johnson, with regard to the claim that may be made
16 against the life insurance proceeds interpledged in this action.

17 2. This action shall be dismissed with prejudice in favor of Plaintiff and
18 against Defendants and the lien claimant as set forth below with each Defendant and
19 the lien claimant bearing his or her own costs and attorneys' fees.

20 3. Plaintiff is awarded \$1,250.00 (twelve hundred and fifty dollars) as
21 payment for attorney's fees and costs, said sum to be deducted from the policy
22 proceeds and the Clerk of the Court is directed to issue a draft in that amount and
23 payable to Connecticut General Life Insurance Company and mailed to Plaintiff's
24 counsel.

25 4. The Clerk of the Court shall issue a further draft for the remaining amount
26 made out to Lucian McKinney and Gail Moore and their attorney of record Joseph
27 Marman and mailed to Mr. Marman's address.

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2 DATED: 7/19/99
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David W. Kurtz
Judge, United States District Court

6 APPROVED AS TO FORM:

7 *Joseph P. Marman*
8 JOSEPH P. MARMAN
9 Attorney for Defendant
10 Lucian McKinney and
11 Lien Claimant
12 Gail Moore

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United States District Court
for the
Eastern District of California
July 19, 1999

* * CERTIFICATE OF SERVICE * *

2:99-cv-00119

Connecticut General

v.

Edwards

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on July 19, 1999, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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MP/MLS
VC/GGH

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Jack L. Wagner, Clerk

BY: 
Deputy Clerk